

18516. Supplement to and correction of notice of judgment No. 18307. U. S. v. 1 Can of Cold and Grippe Tablets, et al. (F. & D. No. 25988. I. S. Nos. 4394, 4395. S. No. 4230.)

In notice of judgment No. 18307, involving quantities of cold and grippe tablets and rheumatic tablets libeled at Richmond, Va., for violation of the food and drugs act, the statement was made that the articles had been shipped from Newark, N. J., and that the interstate movement was from the State of New Jersey into the State of Virginia. The statement was in error. The libel filed on March 7, 1931, charged that the shipment was made by the Commercial Laboratories (Inc.), from Newark, N. Y., and that the goods moved in interstate commerce from the State of New York into the State of Virginia.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18517. Misbranding of Palmiacol. U. S. v. 27 Packages of Palmiacol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24192. I. S. No. 021402. S. No. 2406.)

Examination of a drug product, known as Palmiacol, from the shipment herein described having shown that the article was represented to be a germicide and antiseptic, whereas it was not, also that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of New York.

On November 2, 1929, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 packages of Palmiacol, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Simmon Co., Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, July 25, 1929, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained a fatty substance, creosote, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Properties: Germicide, Antiseptic and * * * Free from Depressant Action upon * * * Vital Functions;" (bottle) "Presenting for medicinal use a drug of value for the treatment of Tuberculosis, chronic or acute Bronchitis, and all catarrhal or inflammatory processes internal or external, * * * devoid of depressant action upon the * * * vital functions. An Antiseptic and Germicide * * * To relieve acute attacks of coughing, asthma, bronchitis, etc." Misbranding was alleged for the further reason that the statements appearing on the carton label, "Properties: Germicide, Antiseptic," and on the bottle label, "An Antiseptic and Germicide," were false and misleading in that the said statements represented that the article contained germicidal and antiseptic properties and that it was an antiseptic and germicide; whereas it did not contain antiseptic and germicidal properties, nor was it an antiseptic and germicide.

On October 22, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18518. Misbranding of Palmiacol. U. S. v. 22 Packages, et al., of Palmiacol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24193, 24194. I. S. Nos. 021404, 021405. S. Nos. 2404, 2405.)

Examination of a drug product, known as Palmiacol, having shown that the article was represented to be a germicide and antiseptic, whereas it was not, also that the carton and bottle labels bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the western district of New York the interstate shipments herein described, involving quantities of the product located at Buffalo, N. Y.

On November 2, 1929, the United States attorney filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 33 packages of Palmiacol, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Trommer Co., Fremont, Ohio,

alleging that the article had been shipped from Fremont, Ohio, in part on April 11, 1929, and in part on July 8, 1929, and had been transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained a fatty substance, creosote, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. (Carton) "Properties: Germicide, Antiseptic and * * * Free from Depressant Action upon * * * Vital Functions;" (bottle) "Presenting for medicinal use a drug of value for the treatment of Tuberculosis, chronic or acute Bronchitis, and all catarrhal or inflammatory processes internal or external. * * * devoid of depressant action upon the * * * vital functions. An Antiseptic and Germicide * * * To relieve acute attacks of coughing, asthma, bronchitis, etc." Misbranding was alleged for the further reason that the statements appearing on the carton label, "Properties: Germicide, Antiseptic," and on the bottle label, "An Antiseptic and Germicide," were false and misleading in that the said statements represented that the article contained germicidal and antiseptic properties and that it was an antiseptic and germicide; whereas it did not contain antiseptic and germicidal properties, nor was it an antiseptic and germicide.

On October 22, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18519. Misbranding of extract of malt with yerba santa. U. S. v. 20 Packages of Extract of Malt with Yerba Santa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24195. I. S. No. 021403. S. No. 2403.)

Examination of a drug product, known as extract of malt with yerba santa, from the shipment herein described having shown that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of New York.

On November 2, 1929, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 packages of extract of malt with yerba santa, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Trommer Co., Fremont, Ohio, alleging that the article had been shipped on February 23, 1929, from Fremont, Ohio, and had been transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant material including malt, chloroform, and ammonium chloride.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and in the circular accompanying the said article, regarding its curative and therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle), "For coughs * * * and respiratory affections. * * * This preparation is remarkably efficacious in all irritations and infections of the throat, lungs, and air passages. Obstinate coughs usually respond with amazing promptitude to the administration of this great combination of the tonic and digestive properties of Trommer Extract of Malt and the proven remedial agents which are combined with it. The addition of well known expectorants to Trommer Extract of Malt presents an effective combination, free from the dangerous opiates and narcotics which so often produce functional derangement to such an extent as to neutralize their value as sedatives to the inflamed mucous membranes, in acute and chronic affections of the throat and lungs;" (circular) "'A return of health lies through a return of the assimilative powers and the use of natural nutriment.' The whole trend of modern medicine is toward the prevention and cure of disease by feeding the body. This does not mean more or larger